



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Amendments and Introduce Ordinance Amending Lodi Municipal Code Chapter 16.40 "Reimbursements for Construction" by Repealing and Re-enacting Section 16.40.050 "Reimbursement Agreements" in its Entirety

MEETING DATE: October 5, 2011

PREPARED BY Public Works Director

RECOMMENDED ACTION: Public Hearing to consider amendments and introduce ordinance amending Lodi Municipal Code Chapter 16.40 "Reimbursement for Construction" by repealing and re-enacting Section 16.40.050 "Reimbursement Agreements" in its entirety.

BACKGROUND INFORMATION: Lodi Municipal Code Chapter (LMC) 16.40 regarding "Reimbursements for Construction" identifies the improvements which are reimbursable under the development impact mitigation fee program and other improvements which benefit other property, and establishes a uniform reimbursement procedure for the cost of improvements which are to be reimbursed from other parties.

Currently, Section 16.40.050-A.4 Reimbursement Agreements, provides that the City will collect the appropriate charge from the properties identified in the agreement and reimburse the applicant or the applicant's heirs, successors or assigns, for a period of 15 years from the date of the agreement only. Reimbursement agreements to recover funds advanced by the City for projects shall expire after 15 years; reimbursement charges will not be collected after that time. In large part, the reimbursement charges apply to future residential development.

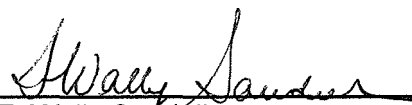
The current economic downturn has resulted in a general stoppage of most new development and particularly residential development. The current trends suggest the duration of the downturn will extend for up to 10 years. Nine of the 17 active reimbursement agreements are for the benefit of the City. The request to extend the active reimbursement agreements was initiated by the development community.

The ordinance to be introduced at the Public Hearing would amend LMC Section 16.40.050 to extend all existing reimbursement agreements for a period of 10 years. As a result, properties that have not paid reimbursements included in the existing reimbursement agreements will be required to reimburse the applicant for a period not to exceed 25 years. The proposed amendments are presented in Exhibit A.

A summary of the 17 active agreements is provided in Exhibit B.

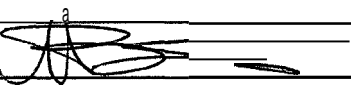
FISCAL IMPACT: None.

FUNDING AVAILABLE: Not applicable.


F. Wally Sandelin
Public Works Director

FWS/pmf
Attachments

APPROVED:


Konradt Bartlam, City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING
LODI MUNICIPAL CODE CHAPTER 16.40
"REIMBURSEMENTS FOR CONSTRUCTION" BY
REPEALING AND RE-ENACTING SECTION 16.40.050
"REIMBURSEMENT AGREEMENTS" IN ITS ENTIRETY.

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 16.40 – "Reimbursements for Construction" is hereby amended by repealing and re-enacting §16.40.050 "Reimbursement Agreements" in its entirety, to read as follows:

16.40.050 Reimbursement Agreements

A. Within sixty days of receipt of a completed application, the public works director shall prepare a reimbursement agreement containing the following provisions:

1. The amount of reimbursable costs shall include construction costs less any applicable credits plus ten percent for administrative and engineering costs. Applicable city engineering and processing fees shall also be added. Costs of financing, bonds or other applicant costs shall not be included.
2. The total reimbursable cost shall be apportioned to the benefiting properties as appropriate. Costs of transitions, utility stubs or other minor work shall not be apportioned to adjacent property.
3. The reimbursable amount shall be recalculated annually to include an amount attributable to interest, using the Engineering News Record 20 Cities Construction Cost Index as of the end of the year. The reimbursable amount for subsequent years shall be the prior year reimbursable amount less any reimbursements made during the year, all multiplied by the percentage change in the index over the year.
4. The agreement shall provide that the city will collect the appropriate charge from the properties identified in the agreement and reimburse the applicant or the applicant's heirs, successors or assigns, for a period of fifteen years from the date of the agreement only. Reimbursement agreements to recover funds advanced by city for projects shall expire after fifteen years; reimbursement charges will not be collected after that time **except as set forth in Paragraph 5 of this section.**
5. **All reimbursement agreements in effect prior to October 5, 2011 are hereby extended ten (10) years from their original expiration date, giving them a life of 25 years.**

~~B. The reimbursement agreement shall be numbered and filed by the Public Works Director.~~

~~C.B.~~ Prior to the adoption of a resolution approving the reimbursement agreement or **extension of a reimbursement agreement** the city shall within ninety days of receipt of a completed application conduct a public hearing as follows:

1. At least ten days prior to the date and time set for the hearing before the city council, give a notice by first class mail, postage prepaid to the addresses as shown on the latest equalized assessment roll of San Joaquin County, to the owners of each parcel identified in the reimbursement agreement as benefited.
2. The notice shall state the date, time, and location set for such hearing.
3. Include in such notice to property owners as required under (1) above a statement of the nature of the improvements costs as provided in subsection A of this section, and list of the addresses or a map delineating all parcels identified in the reimbursement agreement as benefited.
4. The hearing on such reimbursement agreement shall take place before the city council, at which time all interested parties shall be heard. The council shall determine what properties are benefited, the costs and a fair method of allocation of costs to the properties benefited, and an apportionment of such costs.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 6. This ordinance shall be published pursuant to law and shall become effective 30 days from the date of passage and adoption.

Approved this ____ day of _____, 2011

Bob Johnson
Mayor

ATTEST:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. _____ was introduced at a regular meeting of the City Council of the City of Lodi held July 6, 2011, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2011, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. _____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

APPROVED TO FORM:

D. STEPHEN SCHWABAUER
City Attorney

6-3

Jennifer Robison

From: Randi Johl
Sent: Monday, October 03, 2011 03:19 PM
To: 'Tom Atwood'
Cc: City Council; Rad Bartlam; Steve Schwabauer; Jennifer Robison
Subject: RE: Oct 5th City Council meeting- Municipal Code Chapter (LMC) 16.40 review

Thank you for your email. It was received by the City Council and made a part of the record for the upcoming October 5th meeting.

Randi Johl, JD, MMC
 City Clerk, City of Lodi
 221 West Pine Street
 Lodi, California 95240
 (209) 333-6702 Telephone
 (209) 333-6807 Facsimile

From: Tom Atwood [mailto:tatwood2000@gmail.com]
Sent: Monday, October 03, 2011 03:13 PM
To: Randi Johl; Alan Nakanishi; Bob Johnson; JoAnne Mounce; Phil Katzakian; Larry Hansen
Cc: tatwood@vallejoinsurance.com
Subject: Oct 5th City Council meeting- Municipal Code Chapter (LMC) 16.40 review

October 3, 2011

Bob Johnson, Mayor
 Joanne Mounce, Mayor Pro Tempore
 Larry Hansen, Council member
 Phil Katzakian, Council member
 Alan Nakanishi, Council member

City Clerk, City of Lodi
 221 West Pine Street
 P.O. Box 3006
 Lodi, California 95241-1910

RE City of Lodi Council Meeting October 5th 2011 agenda Item G-3

Dear Mayor, Mayor Pro Tempore, City Council members and City Staff,

I am part-owner of property located at 880 North Guild Avenue Lodi CA that is part of agreement number RA0301 with improvements labeled "WWW/SD/Street Improvements". As such, I received notice regarding a proposed change/amendment to Municipal Code Chapter (LMC) 16.40 to be presented at the October 5, 2011 City Council meeting.

I request, as part-owner of 880 North Guild Avenue Lodi CA, that you do not repeal or amend Municipal Code Chapter (LMC) 16.40 regarding Reimbursements for Construction Code.

10/03/2011

Development in the North and South Guild Ave areas from 2001 - 2007 has been outstanding, driven by location, high rate of return, inexpensive capital, and Lodi's willingness to 'get business done'. However, the national, regional, and local financial situation has slowed or stopped that pace of development since 2008. As the financial market instability continues, Lodi needs to identify and reduce barriers to the 'smart growth' that will grow its tax revenue.

One option to mitigate these 'barriers to development' is to allow Municipal Code Chapter (LMC) 16.40 to end on its designated date. Potential buyers are well aware of the financial burden of Municipal Code Chapter (LMC) 16.40. These buyers, including some interested in purchasing my available property, are showing increased interest in the Guild Ave area, in part I've been told, because of the impending end or 'sunset' of Municipal Code Chapter (LMC) 16.40. Amending this code to increase the reimbursement time will quash that interest and the potential development by a number of years.

I believe that Lodi's most vital economic goals are to create the jobs and build the businesses that will build and grow sustainable tax revenue.

Those goals are achievable if you retain Municipal Code Chapter (LMC) 16.40 as initially enacted.

Thank you for your consideration.

Sincerely,

Tom Atwood

Tel: 707.980.5063

36 Pembroke Ct Moraga CA 94556

--

Tom Atwood

G-3

RECEIVED

2011 OCT -3 AM 10:52

CITY CLERK
CITY OF LODI

Sep 28, 2011

City Clerk, City of Lodi
221 West Pine Street
P. O. Box 3006
Lodi, California 95241-1910

Kate Landers
13179 McDole Street
Saratoga, CA 95070

T 408-374-1859

katelandersOmac.com

Dear City Clerk,

As a property owner on Guild Road in Lodi, I received a notice about the meeting on October 5, 2011 to discuss changes to Municipal Code Chapter (LMC) 16.40. Our property is part of agreement number RA0301 with improvements labeled "WWW/SD/Street Improvements".

I request (on behalf of myself and the co-owners of 17822 Guild Avenue) that you do not approve the extension of the Reimbursements for Construction Code. We hope to sell this land to someone who will develop it, bringing additional jobs and tax revenue to the City of Lodi. Having this reimbursement code extended makes the property less desirable for buyers and encourages it to be vacant and undeveloped for an additional 10 years. That doesn't benefit us or the City of Lodi.

Thank you for your consideration.

Sincerely,



Kate Landers

RECEIVED
CITY CLERK
CITY OF LODI
2011 OCT -3 AM 10:52

G-3

Jennifer Robison

From: Randi Johl
Sent: Tuesday, October 04, 2011 03:28 PM
To: 'Ed Atwood'
Cc: City Council; Rad Bartlam; Steve Schwabauer; Jennifer Robison
Subject: RE: Oct 5th City Council meeting- Agenda item **G-3**: Municipal Code Chapter (LMC) 16.40 review

Thank you for your email Ed. It was received by the City Council and made a part of the record for the October 5th City Council meeting.

Randi Johl, JD, MMC
City Clerk, City of Lodi
 221 West Pine Street
 Lodi, California 95240
 (209) 333-6702 Telephone
 (209) 333-6807 Facsimile

From: Ed Atwood [mailto:Ed@2atwoods.com]
Sent: Tuesday, October 04, 2011 03:24 PM
To: Randi Johl; Alan Nakanishi; Bob Johnson; JoAnne Mounce; Phil Katzakian; Larry Hansen
Subject: Oct 5th City Council meeting- Agenda Item **G-3**: Municipal Code Chapter (LMC) 16.40 review

October 4, 2011

Bob Johnson, Mayor
 Joanne Mounce, Mayor Pro Tempore
 Larry Hansen, Council member
 Phil Katzakian, Council member
 Alan Nakanishi, Council member

City Clerk, City of Lodi
 221 West Pine Street
 P.O. Box 3006
 Lodi, California 95241-1910

RE City of Lodi Council Meeting October 5th 2011 agenda Item G-3

Dear Mayor, Mayor Pro Tempore, City Council members and City Staff,

I am part-owner of property located at **880** North Guild Avenue Lodi CA that is part of agreement number RA0301 with improvements labeled "WWW/SD/Street Improvements". As such, I received notice regarding a proposed change/amendment to Municipal Code Chapter (LMC) 16.40 to be presented at the October 5, 2011 City Council meeting.

As part-owner of **880** North Guild Avenue Lodi, I request that you do *not* repeal or amend Municipal Code Chapter (LMC) 16.40 regarding Reimbursements for Construction Code.

10/04/2011

Development in the North and South Guild Ave areas from 2001 – 2007 has been outstanding, driven by location, high rate of return, inexpensive capital, and Lodi's willingness to 'get business done'. However, since 2008 the national, regional, and local financial situation has slowed or stopped that pace of development. As the financial market instability continues, Lodi needs to identify and reduce barriers to the 'smart growth' that will grow its tax revenue.

One option to mitigate these 'barriers to development' is to allow Municipal Code Chapter (LMC) 16.40 to end on its designated date. Potential buyers are well aware of the financial burden of Municipal Code Chapter (LMC) 16.40. These buyers, including some interested in purchasing my available property, are showing increased interest in the Guild Ave area in part because of the impending end or 'sunset' of Municipal Code Chapter (LMC) 16.40. Amending this code to increase the reimbursement time will quash that interest and the potential development by a number of years.

I believe that Lodi's most vital economic goals are to create the jobs and build the businesses that will build and grow sustainable tax revenue. Having this reimbursement code extended makes the property less desirable for buyers and encourages it to be vacant and undeveloped for an additional 10 years.

Those goals are achievable if you retain Municipal Code Chapter (LMC) 16.40 as initially enacted.

Thank you for your consideration.

Sincerely,

Ed Atwood

119NE 56th St, Seattle, WA 98105



***Please immediately confirm receipt
of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

**SUBJECT: PUBLIC HEARING TO CONSIDER AMENDING LODI MUNICIPAL
CODE CHAPTER 16.40 - REIMBURSEMENTS FOR
CONSTRUCTION - BY REPEALING AND REENACTING SECTION
16.40.050, "REIMBURSEMENT AGREEMENTS," IN ITS ENTIRETY**

PUBLISH DATE: SATURDAY, SEPTEMBER 10, 2011

LEGAL AD

TEAR SHEETS WANTED: One(1) please

SEND AFFIDAVIT AND BILL TO:

RANDI JOHL, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, SEPTEMBER 8, 2011

ORDERED BY:

RANDI JOHL
CITY CLERK


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper - Copy to File

Faxed to the Sentinel at 369-1084 at _____ (time) on _____ (date) _____ (pages)							
LNS	_____	Phoned to confirm receipt of all pages at _____ (time)	_____	CF	_____	MB	_____ JMP (initials)



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: October 5, 2011

Time: 7:00 p.m.

For information regarding this notice please contact:

Randi Johl

City Clerk

Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

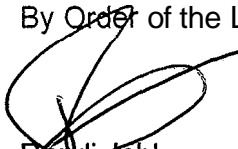
NOTICE IS HEREBY GIVEN that on **Wednesday, October 5, 2011**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) **Amending Lodi Municipal Code Chapter 16.40 – Reimbursements for Construction – by repealing and reenacting Section 16.40.050, “Reimbursement Agreements,” in its entirety.**

Information regarding this item may be obtained in the Public Works Department, 221 West Pine Street, Lodi, (209) 333-6706. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 W. Pine Street, 2nd Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

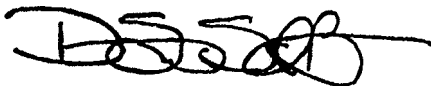
By Order of the Lodi City Council:



Randi Johl
City Clerk

Dated: September 7, 2011

Approved as to form:



D. Stephen Schwabauer
City Attorney



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER AMENDING LODI MUNICIPAL CODE CHAPTER 16.40 – REIMBURSEMENTS FOR CONSTRUCTION – BY REPEALING AND REENACTING SECTION 16.40.050, “REIMBURSEMENT AGREEMENTS,” IN ITS ENTIRETY

On Thursday, September **8**, 2011, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider amending Lodi Municipal Code Chapter 16.40 – Reimbursements for Construction – by repealing and reenacting Section 16.40.050, “Reimbursement Agreements,” in its entirety (attached and marked as Exhibit A) was posted at the following locations:

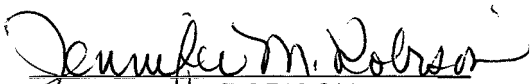
Lodi Public Library
Lodi City Clerk’s Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September **8**, 2011, at Lodi, California.

ORDERED BY:

RANDI JOHL
CITY CLERK


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK



DECLARATION OF MAILING

PUBLIC HEARING TO CONSIDER AMENDING LODI MUNICIPAL CODE CHAPTER 16.40 – REIMBURSEMENTS FOR CONSTRUCTION – BY REPEALING AND REENACTING SECTION 16.40.050, “REIMBURSEMENT AGREEMENTS,” IN ITS ENTIRETY

On Thursday, September 8, 2011, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Notice of Public Hearing to consider amending Lodi Municipal Code Chapter 16.40 – Reimbursements for Construction – by repealing and reenacting Section 16.40.050, “Reimbursement Agreements,” in its entirety, attached hereto Marked Exhibit A. The mailing list for said matter is attached hereto, marked Exhibit B.


There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 8, 2011, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK, CITY OF LODI**


**JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK**

**MARIA BECERRA
ADMINISTRATIVE CLERK**

EXHIBIT A



NOTICE OF PUBLIC HEARING
LODI CITY COUNCIL
221 W. PINE STREET, LODI, 95240 --TELEPHONE 333-6702

DATE: Wednesday, **October 5, 2011** ■

TIME: **7:00 p.m.**, or as soon thereafter as the matter can be heard

PLACE: **Camegie Forum, 305 West Pine Street, Lodi**

SUBJECT: To consider amending Lodi Municipal Code Chapter 16.40 – Reimbursements for Construction – by repealing and reenacting Section 16.40.050, "Reimbursement Agreements," in its entirety.

(SEE ATTACHED for additional information regarding this matter, as specified in Lodi Municipal Code Section 16.40.050 C. 3)

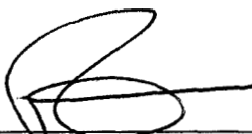
INFORMATION REGARDING THIS MATTER MAY BE OBTAINED IN THE OFFICE OF PUBLIC WORKS, 221 W. PINE ST., LODI.

WRITTEN STATEMENTS MAY BE FILED WITH THE CITY CLERK, 221 W. PINE ST., 2ND FLOOR, LODI, AT ANY TIME PRIOR TO THE HEARING SCHEDULED HEREIN, AND ORAL STATEMENTS MAY BE MADE AT SAID HEARING.

ANYONE WISHING TO BE HEARD ON THE ISSUE MAY APPEAR BEFORE THE CITY COUNCIL AT THE TIME OF THE PUBLIC HEARING.

IF YOU CHALLENGE THE PROPOSED ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY CLERK CITY COUNCIL AT, OR PRIOR TO, THE PUBLIC HEARING.

Date Mailed: September 8, 2011



RANDI JOHL
CITY CLERK OF THE CITY OF LODI



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Set Public Hearing for October 5, 2011, to Consider Amending Lodi Municipal Code Chapter 16.40 "Reimbursements for Construction" by Repealing and Re-enacting Section 16.40.050 "Reimbursement Agreements" in its Entirety

MEETING DATE: September 7, 2011

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Set Public Hearing for October 5, 2011, to consider amending Lodi Municipal Code Chapter 16.40 "Reimbursement for Construction" by repealing and re-enacting Section 16.40.050 "Reimbursement Agreements" in its entirety.

BACKGROUND INFORMATION: Lodi Municipal Code Chapter (LMC) 16.40 regarding "Reimbursements for Construction" identifies the improvements which are reimbursable under the development impact mitigation fee program and establishes a uniform reimbursement procedure for the cost of improvements which are to be reimbursed from other parties.

Currently, Section 16.40.050-A.4 Reimbursement Agreements, provides that the City will collect the appropriate charge from the properties identified in the agreement and reimburse the applicant or the applicant's heirs, successors or assigns, for a period of 15 years from the date of the agreement only. Reimbursement agreements to recover funds advanced by the City for projects shall expire after 15 years; reimbursement charges will not be collected after that time. In large part, the reimbursement charges apply to future residential development.

The current economic downturn has resulted in a general stoppage of most new development and particularly residential development. The current trends suggest the duration of the downturn will extend for up to 10 years.

The ordinance to be considered at the Public Hearing would amend LMC Section 16.40.050 to extend all existing reimbursement agreements for a period of 10 years. As a result, properties that have not paid reimbursements included in the existing reimbursement agreements will be required to reimburse the applicant for a period not to exceed 25 years. The proposed amendments are presented in Exhibit A.

Presently, there are 17 active reimbursement agreements. A summary of these agreements is provided in Exhibit B.

FISCAL IMPACT: None.

FUNDING AVAILABLE: Not applicable.

F. Wally Sandelin
Public Works Director

FWS/pmf
Attachments

APPROVED: _____
Konradt Bartlam, City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING
LODI MUNICIPAL CODE CHAPTER 16.40
"REIMBURSEMENTS FOR CONSTRUCTION" BY
REPEALING AND RE-ENACTING SECTION 16.40.050
"REIMBURSEMENT AGREEMENTS" IN ITS ENTIRETY.

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 16.40 – "Reimbursements for Construction" is hereby amended by repealing and re-enacting Q16.40.050 "Reimbursement Agreements" in its entirety, to read as follows:

16.40.050 Reimbursement Agreements

A. Within sixty days of receipt of a completed application, the public works director shall prepare a reimbursement agreement containing the following provisions:

1. The amount of reimbursable costs shall include construction costs less any applicable credits plus ten percent for administrative and engineering costs. Applicable city engineering and processing fees shall also be added. Costs of financing, bonds or other applicant costs shall not be included.
2. The total reimbursable cost shall be apportioned to the benefiting properties as appropriate. Costs of transitions, utility stubs or other minor work shall not be apportioned to adjacent property.
3. The reimbursable amount shall be recalculated annually to include an amount attributable to interest, using the Engineering News Record 20 Cities Construction Cost Index as of the end of the year. The reimbursable amount for subsequent years shall be the prior year reimbursable amount less any reimbursements made during the year, all multiplied by the percentage change in the index over the year.
4. The agreement shall provide that the city will collect the appropriate charge from the properties identified in the agreement and reimburse the applicant or the applicant's heirs, successors or assigns, for a period of fifteen years from the date of the agreement only. Reimbursement agreements to recover funds advanced by city for projects shall expire after fifteen years; reimbursement charges will not be collected after that time unless the City Council approves a time extension to Reimbursement Agreement as provided in this chapter.
5. Upon written request of the applicant or the applicant's heirs, successors or assigns, and a showing that economic conditions prevented construction necessary to reimburse less than fifty percent (50%) of the applicant's construction costs, the City Council may approve time extensions to reimbursement agreements. The application shall be filed at least one year prior to the Reimbursement Agreement's expiration. Applicant shall reimburse the City for all staff and other costs associated with processing the application.

~~B. The reimbursement agreement shall be numbered and filed by the Public Works~~

~~Director.~~

~~CB.~~ Prior to the adoption of a resolution approving the reimbursement agreement or extension of a reimbursement agreement the city shall within ninety days of receipt of a completed application conduct a public hearing as follows:

1. At least ten days prior to the date and time set for the hearing before the city council, give a notice by first class mail, postage prepaid to the addresses as shown on the latest equalized assessment roll of San Joaquin County, to the owners of each parcel identified in the reimbursement agreement as benefited.
2. The notice shall state the date, time, and location set for such hearing.
3. Include in such notice to property owners as required under ~~C~~ above a statement of the nature of the improvements costs as provided in subsection A of this section, and list of the addresses or a map delineating all parcels identified in the reimbursement agreement as benefited.
4. The hearing on such reimbursement agreement shall take place before the city council, at which time all interested parties shall be heard. The council shall determine what properties are benefited, the costs and a fair method of allocation of costs to the properties benefited, and an apportionment of such costs.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 6. This ordinance shall be published pursuant to law and shall become effective 30 days from the date of passage and adoption.

Approved this ____ day of _____, 2011

Bob Johnson
Mayor

ATTEST:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, **ss.**

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. _____ was introduced at a regular meeting of the City Council of the City of Lodi held July 6, 2011, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2011, by the following vote:

AYES: COUNCIL MEMBERS -

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

I further certify that Ordinance No. _____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

APPROVED TO FORM:

D. STEPHEN SCHWABAUER
City Attorney

RA #	Owner-mailing address	APN	Situs Address
2007-52 02-02 08-01	BDC Lodi III 100 Swan Way Suite 206 Oakland, CA 94621	058-030-13 (Retired parcel # 058-030-02) 058-030-11	1551 S. Lower Sacramento 1440 Westgate Drive
2007-52	Van Ruiten Ranch LP P. O. Box 520 Woodbridge, CA 95258	058-030-17 (retired parcel # 058-030-03)	2015 S. Lower Sacramento
2007-52	Lodi LSR Properties LLC 10100 Trinity Pkwy Suite 420 Stockton, CA 95219-7241	058-030-04 058-030-16 (retired parcel # 058-030-05)	1805 S. Lower Sacramento 1901 S. Lower Sacramento
2007-52	Howard Investments LLC et al 6360 Pacific Avenue Stockton, CA 95207-3714	058-030-06	2057 S. Lower Sacramento
2007-52 03-04 05-01	Weldon & Bonnie Schumacher 1303 Rivergate Drive Lodi, CA 95240-0549	058-040-01 058-040-02 058-040-04 058-040-05 058-230-10	2125 S. Lower Sacramento 2375 S. Lower Sacramento 2463 S. Lower Sacramento 2557 S. Lower Sacramento 13520 N. Lower Sacramento
2007-52	Brian Hayn 810 E. Harney Lane Lodi, CA 95242-9534	058-070-07	810 E. Harney lane
2007-52	Lyndle A. Bell 814 E. Harney Lane Lodi, CA 95242	058-070-08	814 E. Harney Lane
2007-52	Dale Goff 880 E. Harney lane Lodi, Ca	058-070-09	880 E. Harney Lane
2007-52	Dean & Sharon Frame 212 Rutledge Drive Lodi, CA 95242-2632	058-140-04	1602 S. Lower Sacramento

EXHIBIT B

RA #	Owner-mailinn address	APN	Situs Address
2007-52	Taj Khan 1112 Rivergate Drive Lodi, CA 95240-0555	058-140-05	1618 S. Lower Sacramento
2007-52	Charlene K Herrmann 330 S. Fairmont Avenue #3 Lodi, CA 95240-3843	058-140-06	1626 S. Lower Sacramento
2007-52	Santiago & Ramona Del Rio 15315 N. Hoerl Rod Lodi. CA 95240-9493	058-140-07 058-140-09	1634 S. Lower Sacramento 1650 S. Lower Sacramento
2007-52	Frank Hall 2613 W. Harney Lane Lodi, CA 95242-9570	058-140-08	1642 S. Lower Sacramento
2007-52	Asif Khan 930 E. Olive Avenue Lodi, CA 95242-9227	058-140-10	1658 S. Lower Sacramento
2007-52	Zane & Patsy Grever 1432 Park Street Lodi, CA 95242-3837	058-140-11	1610 S. Lower Sacramento
2007-52 2005-24	Bill Peterson P. O. Box 473 Lockeford. CA 95237	058-140-12 058-140-52 (Retired parcel 058-140-52)	1784 S. Lower Sacramento 1920 S. Lower Sacramento
2007-52	Ruth Person P. O. Box 331 Sutter Creek, CA 95685	058-140-14	1690 N. Lower Sacramento
2007-52	Mark & Eleanor Galindo P. O. Box 5396 Stockton, CA 95205-0396	058-230-06	871 E. Harney Lane
2007-52	Larry & Goreti Stice 893 E. Harney Lane Lodi, CA 95242	058-230-07	893 E. Harney Lane

RA #	Owner-mailing address	APN	Situs Address
2007-52 2007-52	Job & Elena Sanchez 909 E. Hamey Lane Lodi, CA 95242-9591	058-230-08	909 E. Harney Lane
2007-52	Lorenzo & Margarit Sandoval 931 E. Harney Lane Lodi, CA 95242	058-230-09	931 E. Hamey Lane
2005-24 2004-220 03-03	Millsbridge Office Park East P. O. Box 1598 Lodi, CA 95241	031-330-10 (Retired parcel 031-040-40)	1811 W. Kettleman
2005-24 2004-220 99-108 03-03	Mary Tsutaoka P. O. Box 373 Lodi, CA 95241-0373	031-330-09 (Retired parcel #031-040-20)	1833 W. Kettleman
2004-220 99-108	Brittany LLC P. O. Box 1510 Lodi, CA 95241-1510	027-410-20 (Retired Parcel #027-040-84)	2115 W. Kettleman
2004-220	Church of God 2100 Tienda Drive Lodi, CA 95242	027-410-22	2100 Tienda Drive
2001-45 99-108	Lodi First Nazarene Church 2223 W. Kettleman Lodi, CA 95242	027-410-16 (Retire parcel #027-040-17)	2223 W. Kettleman
99-108	Clarence & Luella Severson 2050 Tienda Drive Lodi, CA 95242	027-410-23 (Retired Parcel #027-040-74)	2050 Tienda Drive
99-108	John & Kerry Giannoni 2960 Applewood Drive Lodi, CA 95242	027-410-19 (Retired Parcel #027-040-83)	2110 Tienda Drive
99-108	Robert Rodriguez 1219 Stonebridge Lodi, CA 95242	031-290-29 (Retired Parcel #031-040-10)	1219 Stonebridge Drive

RA #	Owner-mailing address	APN	Situs Address
99-108 99-108	Jerry Munoz 1239 Stonebridge Lodi. CA 95242	031-040-47 (Retired Parcel # 031-040-11)	1239 Stonebridge Drive
99-108	Cynthia Sturdivant 1271 Stonebridge Lodi, CA 95242-9178	031-040-14	1271 Stonebridge
99-108	Gregory Faught 1245 Stonebridge Lodi, CA 95242-9178	031-040-48 (Formerly 031-040-152)	1245 Stonebridge
01-01	GFLIP III LTD PTP LP P. O. Box 1420 Lodi. CA 95241	049-310-64	1250 S. Beckman Road
02-01	Donald & Nancy Miller 349 E. Harney Lane Lodi, CA 95240	062-290-38 062-290-14 062-290-37	349 E. Harney Lane 415 E. Harney Lane 401 E. Harney Lane
03-01	Robert & Sandra Moreland 835 San Francis Avenue Stockton, CA 95210-1131	049-340-06 (Retired parcel #049-080-18)	699 N. Guild Avenue
03-01	Robert & Sandra Moreland 775 N. Guild Avenue Lodi, CA 95240-0861	049-340-02 (Retired parcel #049-080-19)	775 N. Guild Avenue
03-01	Gregory Carpenter P. O. Box 186 Clements. CA 95227	049-330-10 (Retired parcel #049-080-82)	1390 E. Turner Road
03-01	Richard Kulka 2821 Darnby Drive Oakland, CA 94611	049-330-23 (Retired parcel #049-080-81) 049-330-24 (Retired parcel #049-080-77)	1399 E. Turner Road 1030 N. Guild
03-01	Cranbrook Realty Investment 4701 Sisk Road Suite 101 Modesto, CA 95356	049-330-22 (Retired parcel #049-080-32)	1240 N. Guild

RA #	Owner-mailing address	APN	Situs Address
03-01	Edward Atwood Trust 13179 McDole Street Saratoga, CA 95070-4620	049-330-08 (Retired parcel #049-080-05)	880 N. Guild
03-04	Nick & JL Farros 1649 W. Harney Ln Lodi, CA 95242	058-210-04 058-210-03	1649 W. Harney Lane 1749 W. Harney Lane
03-04	Donald & Susan Lackyard 1477 E. Harney Lane Lodi, CA 95240	058-230-21	1477 E. Harney Lane
03-04 05-01	Lorenzo & Margarite Sandoval 931 E. Harney Lane Lodi, CA 95242	058-230-09	931 E. Harney Lane
03-04 05-01	Job & Elena Sanchez 909 E. Harney Lane Lodi, CA 95242-9591	058-230-08	909 E. Harney Lane
03-04 05-01	Larry & Goretti Stice 893 E. Harney Lane Lodi, CA 95242	058-230-07	893 E. Harney Lane
03-04 05-01	Mark & Eleanor Galindo P. O. Box 5396 Stockton, CA 95205-0396	058-230-06	871 E. Harney Lane
03-04	John & Marilyn Martin 791 Kristen Court Lodi, CA 95242-9554	058-220-01	791 E. Kristen Court
03-04 05-01	Freddie & Khristina Vaughn 805 Kristen Court Lodi, CA 95242	058-220-02	805 E. Kristen Court
03-04 05-01	Marty & Kimi Rosen 899 Kristen Court Lodi, CA 95242-9554	058-220-03	833 E. Kristen Court

RA #	Owner-mailing address	APN	Situs Address
03-04 05-01	William & Bonnie Neumann 865 Kristen Court Lodi, CA 95242	058-220-04	865 E. Kristen Court
03-04 05-01	Floyd & Lace Nordwick 895 Kristen Court Lodi, CA 95242	058-220-05	895 E. Kristen Court
03-04 05-01	Steve & Kim Azevedo 909 Kristen Court Lodi, CA 95242	058-220-06	909 E. Kristen Court
03-04 05-01	Sam and Lorna Louie 910 Kristen Court Lodi, CA 95242	058-220-08	910 E. Kristen Court
03-04 05-01	Kenneth & Y Yamashita Lodi, CA 95240	058-220-09	884 E. Kristen Court
03-04 05-01	Michael Faught 860 Kristen Court Lodi, CA 95242-9554	058-220-10	860 E. Kristen Court
03-04 05-01	Elmer & S Langworthy 13710 Hartley Lane Lodi, CA 95240	058-220-11	13710 Hartley Lane
03-04 05-01	Woodburn & Claire Lear 13696 Hartley Lane Lodi, CA 95242-9552	058-220-12	13696 N. Hartley Lane
03-04 05-01	Bruce & Janeen Wood 867 Tehama Drive Lodi, CA 95242	058-220-13	867 E Tehema Drive
03-04 05-01	Randall & Deborah Parrish 889 Tehama Drive Lodi, CA 95242	058-220-14	889 E. Tehama Drive

RA#	Owner-mailing address	APN	Situs Address
03-04 05-01	Daniel & Denise Ortega 909 Tehama Drive Lodi, CA 95242	058-220-15	909 E. Tehama Drive
03-04 05-01	Robert & Vicky Weidner 910 Tehama Lodi, CA 95242-9553	058-220-16	910 E. Tehema Drive
03-04 05-01	Robert & R Hathaway 890 Tehama Drive Lodi, CA 95242	058-220-17	890 E. Tehama Drive
03-04 05-01	Harvey & Cathy Webb P. O. Box 244 Wallace, CA 95254	058-220-18	868 E. Tehama Drive
03-04 05-01	Khurram Shahzad 830 Tehama Drive Lodi, CA 95242-9553	058-220-19	830 E. Tehema Drive
03-04 05-01	Gerald & Laurel Wisenor 808 Tehama Drive Lodi, CA 95242-9553	058-220-20	808 E. Tehama Drive
03-04 05-01	Nhi & Minh Luu 13625 Hartley Lane Lodi, CA 95242	058-220-22	13625N. Hartley Lane
03-04 05-01	Federal national Mortgage Assn 1800 Tap Canyon Road Simi Valley, CA 93063	058-220-23	13675N. Hartley Lane
03-04 05-01	San Joaquin County <i>5th Fl Ste 591</i> <i>44 N. San Joaquin St.</i> <i>Stockton CA 95203</i>	058-220-24	13705 Hartley Lane
03-04 05-01	Tsugio Kubota 1500 Vista Drive Lodi, CA 95242	058-230-04	2398 S. Lower Sacramento Rd

RA #	Owner-mailing address	APN	Situs Address
03-04 05-01	Earl & Naomi Rieger 395 E. Harney Lane Lodi, CA 9 5242	058-040-06	395 E. Harney Lane
03-04 05-01	Larry Wells 427 E. Harney Lane Lodi, CA 95240	058-040-07	427 E. Harney Lane
03-04 05-01	Norene Dietrich 463 E. Harney Lane Lodi, CA 95240	058-040-08	463 E. Harney Lane
03-04 05-01	Phyllis Mastel 499 E. Harney Lane Lodi, CA 95240	058-040-09	499 E. Harney Lane
03-04 05-01	Joe Alvarez 533 E. Harney lane Lodi, CA 95242	058-040-10	533 E. Harney Lane
03-04 05-01	Robert Pinnell P. O. Box 155 Victor, CA 95253-0155	058-040-11	2627 W. Harney Lane
03-04 05-01	Frank Hall 2613 W. Harney Lane Lodi, CA 95242-9570	058-040-12	2613 W. Harney Lane
03-04 05-01	W. L. Investor 10100 Trinity Pkwy Suite 420 Stockton, CA 95219-7241	058-040-13	641 E. Harney Lane
03-04 05-01	Joey Tamura 788 W. Armstrong Rd Lodi, CA 95242-9544	058-040-14	2948 W. Harney Lane
03-04 05-01	Robert Van Ruiten P. O. Box 548 Woodbridge, CA 95258	058-040-15	373 E. Harney Lane

RA #			
08-01	Owner-mailing address	APN	Situs Address
08-01	Frances Gutierrez 383 Taylor Rd Lodi, CA 95242-9233	027-060-01	383 E. Taylor Rd
08-01	Steve Culbertson 810 W. Elm Street Lodi, CA 95240-1808	027-060-03	419 E. Taylor Rd
08-01	Daniel & S McNeil 441 Taylor Rd Lodi, CA 95240	027-060-05	441 E. Taylor Rd
08-01	Debra Frey 9900 Pringle Avenue Galt, CA 95632	027-060-06 027-060-08	453 E. Taylor Rd
08-01	Domingo Sanchez 517 Taylor Rd Lodi, CA 95240	027-060-09	517 E Taylor Rd
08-01	D & B Sasaki Enterprises, Inc. 1806 W. Kettleman Lane Lodi, CA 95242	027-060-10	555 E. Taylor Rd
08-01	Kenneth Reiswig 5671 W. Kingdon Road Lodi, CA 95242-9532	027-060-12	589 E. Taylor Rd
08-01	Kenneth & Christin Roberson 23020 N. Sowles Rd Acampo, CA 95220-9608	027-060-13	619 E. Taylor Rd
08-01	Ben & Renee Vander Heiden 681 Taylor Rd Lodi, CA 95242	027-060-27	681 E. Taylor Rd
08-01	Randy Zapara 695 E. Taylor Rd Lodi, CA 95240	027-060-29	695 E. Taylor Rd

RA #	Owner-mailing address	APN	Situs Address
08-01	Dave & Kathleen William 1213 W. Lockeford Street Lodi, CA 95240	027-060-35	15401 N. Lower Sacramento Rd
08-01	Leland Frey 485 Taylor Rd Lodi, CA 95242	027-060-44 (Retired parcel #027-060-39	485 E. Taylor Rd
08-01	Georgia Perlegos P. O. Box 1823 Lodi, CA 95241	029-380-05	2875 W. Lodi Avenue
08-01	Jeffrey Traverso 5237 Verdi Way Stockton, CA 95207-5321	027-400-01	3050 W. Lodi Avenue
08-01	DHKS Dev Co 621 Evergreen Drive Lodi, CA 95242-4683	027-400-02	2950 W. Lodi Avenue
08-01	WL Investor LP 10100 Trinity Parkway Suite 420 Stockton, CA 95219	027-400-03	2800 W. Lodi Avenue
08-01	Maxine Christesen Family 179 E. Taylor Rd Lodi, CA 95242	027-050-01 027-050-02	179 E. Taylor Rd 351 E. Taylor Rd
08-01	Richard Reimche 3900 Pelandale Avenue #420 Modesto, CA 95356-9104	027-050-03	345 E. Taylor Rd
08-01	Angelos Parisi 9949 Fernwood Avenue Stockton, CA 95212	027-050-10 027-050-12	306 E. Taylor Rd 180 E. Taylor Rd
08-01	Miyoko Kaba 2332 Rockingham Circle Lodi, CA 95242	027-050-11	240 e. Taylor Rd

RA #	Owner-mailing address	APN	Situs Address
08-01	David Dollinger 101 E. Hwy 12 Lodi, CA 95240	027-050-15	31 E St., RT. 12 HY
08-01	Bob & Judith Brown 35 E. Hwy 12 Lodi, CA 95242	027-050-16	35 E St. RT 12 HY
08-01	Leroy & Gladys Dollinger 101 E. Hwy 12 Lodi, CA 95242	027-050-18	101 E St, RT 12 HY
08-01	Lamar & Joann Hedrick 209 E. Hwy 12 Lodi, CA 95242	027-050-19 027-050-20	209 E St, RT 12 HY 291 E. St, RT 12 HY
08-01	Geweke Family LTD 2475 Maggio Circle Lodi, CA 95240	027-050-21	341 E St, RT 12 HY
08-01	Nhon & Lisa Vien 16160 Moore Rd Lodi, CA 95242-9223	027-050-24	68 E. Taylor Rd
08-01	Richard & Pamela 16 E. Taylor Rd Lodi, CA 95242	027-050-25	16 E Taylor Rd
08-01	Andrew Reichmuth 424 Daisy Lodi, CA 95240-1010	058-030-09	3002 W. Kettleman
08-01	Wal Mart Real Est Mail Stop 0555 Bentonville, AZ 72716-555	058-030-12	1600 Westgate Drive



DECLARATION OF MAILING

**LETTER AND CORRECTED ORDINANCE RELATING TO THE PUBLIC HEARING TO
CONSIDER AMENDING LODI MUNICIPAL CODE CHAPTER 16.40 – REIMBURSEMENTS
FOR CONSTRUCTION – BY REPEALING AND REENACTING SECTION 16.40.050,
“REIMBURSEMENT AGREEMENTS,” IN ITS ENTIRETY**

On Thursday, September 15, 2011, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a letter and corrected ordinance relating to the public hearing to consider amending Lodi Municipal Code Chapter 16.40 – Reimbursements for Construction – by repealing and reenacting Section 16.40.050, “Reimbursement Agreements,” in its entirety, attached hereto Marked Exhibit A. The mailing list for said matter is attached hereto, marked Exhibit B.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 15, 2011, at Lodi, California.

ORDERED BY:

RANDI JOHL
CITY CLERK, CITY OF LODI


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK

CITY COUNCIL

B O B JOHNSON, Mayor
JOANNE MOUNCE,
Mayor Pro Tempore
LARRY D. HANSEN
PHIL KATZAKIAN
ALAN NAKANISHI

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702 / FAX (209) 333-6807
www.lodi.gov cityclerk@lodi.gov

KONRADT BARTLAM
City Manager
RANDI JOHL, City Clerk
D. STEPHEN SCHWABAUER
City Attorney


September 15, 2011

Interested Parties:

Please note that included with the public hearing notice you previously received regarding the amendment to Lodi Municipal Code Section 16.40.050, "Reimbursement Agreements," a prior version of the ordinance was inadvertently attached. Enclosed with this letter, you will find the corrected ordinance that is proposed to be introduced at the public hearing scheduled before the Lodi City Council on October 5 at 7 p.m., or as soon thereafter as the matter may be heard.

Should you need further information regarding this matter, please contact the Public Works Department, 221 West Pine Street, Lodi, (209) 333-6706. As stated in the public hearing notice, all interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 W. Pine Street, 2nd Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

Sincerely,



Randi Johl
City Clerk

RJ/JMR

Enclosure

cc: Public Works Department

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING
LODI MUNICIPAL CODE CHAPTER 16.40
"REIMBURSEMENTS FOR CONSTRUCTION" BY
REPEALING AND RE-ENACTING SECTION 16.40.050
"REIMBURSEMENT AGREEMENTS" IN ITS ENTIRETY.

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 16.40 - "Reimbursements for Construction" is hereby amended by repealing and re-enacting §16.40.050 'Reimbursement Agreements' in its entirety, to read as follows:

16.40.050 Reimbursement Agreements

A. Within sixty days of receipt of a completed application, the public works director shall prepare a reimbursement agreement containing the following provisions:

1. The amount of reimbursable costs shall include construction costs less any applicable credits plus ten percent for administrative and engineering costs. Applicable city engineering and processing fees shall also be added. Costs of financing, bonds or other applicant costs shall not be included.
2. The total reimbursable cost shall be apportioned to the benefiting properties as appropriate. Costs of transitions, utility stubs or other minor work shall not be apportioned to adjacent property.
3. The reimbursable amount shall be recalculated annually to include an amount attributable to interest, using the Engineering News Record 20 Cities Construction Cost Index as of the end of the year. The reimbursable amount for subsequent years shall be the prior year reimbursable amount less any reimbursements made during the year, all multiplied by the percentage change in the index over the year.
4. The agreement shall provide that the city will collect the appropriate charge from the properties identified in the agreement and reimburse the applicant or the applicant's heirs, **successors** or assigns, for a period of fifteen years from the date of the agreement only. Reimbursement agreements to recover funds advanced by city for projects shall expire after fifteen years; reimbursement charges will not be collected after that time ~~unless the City Council approves a time extension to Reimbursement Agreement as provided in this chapter~~ except as set forth in Paragraph 5 of this section.
5. ~~Upon written request of the applicant or the applicant's heirs, successors or assigns, and a showing that economic conditions prevented construction necessary to reimburse less than fifty percent (50%) of the applicant's construction costs, the City Council may approve time extensions to reimbursement agreements. The application shall be filed at least one year prior to the Reimbursement Agreement's expiration. Applicant shall reimburse the City for all staff and other costs associated with processing the~~

~~application.~~ All reimbursement agreements in effect prior to October 5, 2011 are hereby extended ten (10) years from their original expiration date, giving them a life of 25 years.

~~B. The reimbursement agreement shall be numbered and filed by the Public Works Director.~~

~~CB.~~ Prior to the adoption of a resolution approving the reimbursement agreement **or extension of a reimbursement agreement** the city shall within ninety days of receipt of a completed application conduct a public hearing as follows:

1. At least ten days prior to the date and time set for the hearing before the city council, give a notice by first class mail, postage prepaid to the addresses as shown on the latest equalized assessment roll of San Joaquin County, to the owners of each parcel identified in the reimbursement agreement as benefited.
2. The notice shall state the date, time, and location set for such hearing.
3. Include in such notice to property owners as required under (1) above a statement of the nature of the improvements costs as provided in subsection A of this section, and list of the addresses or a map delineating all parcels identified in the reimbursement agreement as benefited.
4. The hearing on such reimbursement agreement shall take place before the city council, at which time all interested parties shall be heard. The council shall determine what properties are benefited, the costs and a fair method of allocation of costs to the properties benefited, and an apportionment of such costs.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 6. This ordinance shall be published pursuant to law and shall become effective 30 days from the date of passage and adoption.

Approved this ____ day of _____, 2011

Bob Johnson
Mayor

ATTEST:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. _____ was introduced at a regular meeting of the City Council of the City of Lodi held July 6, 2011, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2011, by the following vote:

AYES: COUNCIL MEMBERS -
NOES: COUNCIL MEMBERS -
ABSENT: COUNCIL MEMBERS -
ABSTAIN: COUNCIL MEMBERS -

I further certify that Ordinance No. _____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

APPROVED TO FORM:

D. STEPHEN SCHWABAUER
City Attorney

RA#	Owner-mailing address	APN	Situs Address
2007-52 02-02 08-01	BDC Lodi III 100 Swan Way Suite 206 Oakland, CA 94621	058-030-13 (Retired parcel # 058-030-02) 058-030-11	1551 S. Lower Sacramento 1440 Westgate Drive
2007-52	Van Ruiten Ranch LP P. O. Box 520 Woodbridge, CA 95258	058-030-17 (retired parcel # 058-030-03)	2015 S. Lower Sacramento
2007-52	Lodi LSR Properties LLC 10100 Trinity Pkwy Suite 420 Stockton. CA 95219-7241	058-030-04 058-030-16 (retired parcel # 058-030-05)	1805 S. Lower Sacramento 1901 S. Lower Sacramento
2007-52	Howard Investments LLC et al 6360 Pacific Avenue Stockton, CA 95207-3714	058-030-06	2057 S. Lower Sacramento
2007-52 03-04 05-01	Weldon & Bonnie Schumacher 1303 Rivergate Drive Lodi, CA 95240-0549	058-040-01 058-040-02 058-040-04 058-040-05 058-230-10	2125 S. Lower Sacramento 2375 S. Lower Sacramento 2463 S. Lower Sacramento 2557 S. Lower Sacramento 13520N. Lower Sacramento
2007-52	Brian Hayn 810 E. Harney Lane Lodi. CA 95242-9534	058-070-07	810 E. Harney lane
2007-52	Lyndle A. Bell 814 E. Harney Lane Lodi, CA 95242	058-070-08	814 E. Harney Lane
2007-52	Dale Goff 880 E. Harney lane Lodi, Ca	058-070-09	880 E. Harney Lane
2007-52	Dean & Sharon Frame 212 Rutledge Drive Lodi, CA 95242-2632	058-140-04	1602 S. Lower Sacramento
2007-52	Taj Khan 1112 Rivergate Drive	058-140-05	1618 S. Lower Sacramento

EXHIBIT B

	Lodi, CA 95240-0555		
2007-52	Charlene K Herrmann 330 S. Fairmont Avenue #3 Lodi, CA 95240-3843	058-140-06	1626 S. Lower Sacramento
2007-52	Santiago & Ramona Del Rio 15315N. Hoerl Rod Lodi, CA 95240-9493	058-140-07 058-140-09	1634 S. Lower Sacramento 1650 S. Lower Sacramento
2007-52	Frank Hall 2613 W. Harney Lane Lodi, CA 95242-9570	058-140-08	1642 S. Lower Sacramento
2007-52	Asif Khan 930 E. Olive Avenue Lodi, CA 95242-9227	058-140-10	1658 S. Lower Sacramento
2007-52	Zane & Patsy Grever 1432 Park Street Lodi, CA 95242-3837	058-140-11	1610 S. Lower Sacramento
2007-52 2005-24	Bill Peterson P. O. Box 473 Lockeford, CA 95237	058-140-12 058-140-52 (Retired parcel 058-140-52)	1784 S. Lower Sacramento 1920 S. Lower Sacramento
2007-52	Ruth Person P. O. Box 331 Sutter Creek, CA 95685	058-140-14	1690N. Lower Sacramento
2007-52	Mark & Eleanor Galindo P. O. Box 5396 Stockton, CA 95205-0396	058-230-06	871 E. Harney Lane
2007-52	Larry & Goreti Stice 893 E. Harney Lane Lodi, CA 95242	058-230-07	893 E. Harney Lane
2007-52	Job & Elena Sanchez 909 E. Harney Lane Lodi, CA 95242-9591	058-230-08	909 E. Harney Lane
2007-52	Lorenzo & Margarit Sandoval 931 E. Harney Lane	058-230-09	931 E. Harney Lane

	Lodi, CA 95242		
2005-24 2004-220 03-03	Millsbridge Office Park East P. O.Box 1598 Lodi, CA 95241	031-330-10 (Retired parcel 031-040-40)	1811 W. Kettleman
2005-24 2004-220 99-108 03-03	Mary Tsutaoka P. O.Box 373 Lodi, CA 95241-0373	031-330-09 (Retired parcel #031-040-20)	1833 W. Kettleman
2004-220 99-108	Brittany LLC P. O.Box 1510 Lodi, CA 95241-1510	027-410-20 (Retired Parcel #027-040-84)	2115 W. Kettleman
2004-220	Church of God 2100 Tienda Drive Lodi, CA 95242	027-410-22	2100 Tienda Drive
2001-45 99-108	Lodi First Nazarene Church 2223 W. Kettleman Lodi, CA 95242	027-410-16 (Retire parcel #027-040-17)	2223 W. Kettleman
99-108	Clarence & Luella Severson 2050 Tienda Drive Lodi, CA 95242	027-410-23 (Retired Parcel #027-040-74)	2050 Tienda Drive
99-108	John & Kerry Giannoni 2960 Applewood Drive Lodi, CA 95242	027-410-19 (Retired Parcel #027-040-83)	2110 Tienda Drive
99-108	Robert Rodriguez 1219 Stonebridge Lodi, CA 95242	031-290-29 (Retired Parcel #031-040-10)	1219 Stonebridge Drive
99-108	Jerry Munoz 1239 Stonebridge Lodi, CA 95242	031-040-47 (Retired Parcel # 031-040-11)	1239 Stonebridge Drive
99-108	Cynthia Sturdivant 1271 Stonebridge Lodi, CA 95242-9178	031-040-14	1271 Stonebridge
99-108	Gregory Faught	031-040-48 (Formerly 031-040-152)	1245 Stonebridge

	1245 Stonebridge Lodi, CA 95242-9178		
01-01	GFLIP III LTD PTP LP P. O. Box 1420 Lodi, CA 95241	049-310-64	1250 S. Beckman Road
02-01	Donald & Nancy Miller 349 E. Harney Lane Lodi, CA 95240	062-290-38 062-290-14 062-290-37	349 E. Harney Lane 415 E. Harney Lane 401 E. Harney Lane
03-01	Robert & Sandra Moreland 835 San Francis Avenue Stockton, CA 95210-1131	049-340-06 (Retired parcel #049-080-18)	699 N. Guild Avenue
03-01	Robert & Sandra Moreland 775 N. Guild Avenue Lodi, CA 95240-0861	049-340-02 (Retired parcel #049-080-19)	775 N. Guild Avenue
03-01	Gregory Carpenter P. O. Box 186 Clements, CA 95227	049-330-10 (Retired parcel #049-080-82)	1390 E. Turner Road
03-01	Richard Kulka 2821 Darnby Drive Oakland, CA 94611	049-330-23 (Retired parcel #049-080-81) 049-330-24 (Retired parcel #049-080-77)	1399 E. Turner Road 1030 N. Guild
03-01	Cranbrook Realty Investment 4701 Sisk Road Suite 101 Modesto, CA 95356	049-330-22 (Retired parcel #049-080-32)	1240 N. Guild
03-01	Edward Atwood Trust 13179 McDole Street Saratoga, CA 95070-4620	049-330-08 (Retired parcel #049-080-05)	880 N. Guild
03-04	Nick & JL Farros 1649 W. Harney Ln Lodi, CA 95242	058-210-04 058-210-03	1649 W. Harney Lane 1749 W. Harney Lane
03-04	Donald & Susan Lackyard 1477 E. Harney Lane Lodi, CA 95240	058-230-21	1477 E. Harney Lane
03-04	Lorenzo & Margarite Sandoval	058-230-09	931 E. Harney Lane

05-01	931 E. Harney Lane Lodi, CA 95242		
03-04 05-01	Job & Elena Sanchez 909 E. Harney Lane Lodi, CA 95242-9591	058-230-08	909 E. Harney Lane
03-04 05-01	Larry & Goretti Stice 893 E. Harney Lane Lodi, CA 95242	058-230-07	893 E. Harney Lane
03-04 05-01	Mark & Eleanor Galindo P. O. Box 5396 Stockton, CA 95205-0396	058-230-06	871 E. Harney Lane
03-04	John & Marilyn Martin 791 Kristen Court Lodi, CA 95242-9554	058-220-01	791 E. Kristen Court
03-04 05-01	Freddie & Khristina Vaughn 805 Kristen Court Lodi, CA 95242	058-220-02	805 E. Kristen Court
03-04 05-01	Marty & Kimi Rosen 899 Kristen Court Lodi, CA 95242-9554	058-220-03	833 E. Kristen Court
03-04 05-01	William & Bonnie Neumann 865 Kristen Court Lodi, CA 95242	058-220-04	865 E. Kristen Court
03-04 05-01	Floyd & Lace Nordwick 895 Kristen Court Lodi, CA 95242	058-220-05	895 E. Kristen Court
03-04 05-01	Steve & Kim Azevedo 909 Kristen Court Lodi, CA 95242	058-220-06	909 E. Kristen Court
03-04 05-01	Sam and Lorna Louie 910 Kristen Court Lodi, CA 95242	058-220-08	910 E. Kristen Court
03-04	Kenneth & Y Yamashita	058-220-09	884 E. Kristen Court

05-01	884 Kristen Court Lodi, CA 95240		
03-04 05-01	Michael Faught 860 Kristen Court Lodi, CA 95242-9554	358-220-10	360 E. Kristen Court
03-04 05-01	Elmer & S Langworthy 13710 Hartley Lane Lodi, CA 95240	058-220-11	13710 Hartley Lane
03-04 05-01	Woodburn & Claire Lear 13696 Hartley Lane Lodi, CA 95242-9552	058-220-12	13696N. Hartley Lane
03-04 05-01	Bruce & Janeen Wood 867 Tehama Drive Lodi, CA 95242	058-220-13	867 E Tehema Drive
03-04 05-01	Randall & Deborah Parrish 889 Tehama Drive Lodi, CA 95242	058-220-14	889 E. Tehama Drive
03-04 05-01	Daniel & Denise Ortega 909 Tehama Drive Lodi, CA 95242	058-220-15	909 E. Tehama Drive
03-04 05-01	Robert & Vicky Weidner 910 Tehama Lodi, CA 95242-9553	058-220-16	910 E. Tehema Drive
03-04 05-01	Robert & R Hathaway 890 Tehama Drive Lodi, CA 95242	058-220-17	890 E. Tehama Drive
03-04 05-01	Harvey & Cathy Webb P. O. Box 244 Wallace, CA 95254	058-220-18	868 E. Tehama Drive
03-04 05-01	Khurram Shahzad 830 Tehama Drive Lodi, CA 95242-9553	058-220-19	830 E. Tehema Drive
03-04	Gerald & Laurel Wisenor	058-220-20	808 E. Tehama Drive

05-01	808 Tehama Drive Lodi, CA 95242-9553		
03-04 05-01	Nhi & Minh Luu 13625 Hartley Lane Lodi, CA 95242	058-220-22	13625N. Hartley Lane
03-04 05-01	Federal national Mortgage Assn 1800 Tap Canyon Road Simi Vallev. CA 93063	058-220-23	13675N. Hartley Lane
03-04 05-01	San Joaquin County 44 N. San Joaquin Street 5 th Floor, Ste. 590 Stockton, CA 95202	058-220-24	13705 Hartley Lane
03-04 05-01	Tsugio Kubota 1500 Vista Drive Lodi, CA 95242	058-230-04	2398 S. Lower Sacramento Rd
03-04 05-01	Earl & Naomi Rieger 395 E. Harney Lane Lodi, CA 9 5242	058-040-06	395 E. Harney Lane
03-04 05-01	Larry Wells 427 E. Harney Lane Lodi, CA 95240	058-040-07	427 E. Harney Lane
03-04 05-01	Norene Dietrich 463 E. Harney Lane Lodi, CA 95240	058-040-08	463 E. Harney Lane
03-04 05-01	Phyllis Mastel 499 E. Harney Lane Lodi, CA 95240	058-040-09	499 E. Harney Lane
03-04 05-01	Joe Alvarez 533 E. Harney lane Lodi, CA 95242	058-040-10	533 E. Harney Lane
03-04 05-01	Robert Pinnell P. O. Box 155 Victor, CA 95253-0155	058-040-11	2627 W. Harney Lane

03-04 05-01	Frank Hall 2613 W. Harney Lane Lodi, CA 95242-9570	358-040-12	2613 W. Harney Lane
03-04 05-01	W. L. Investor 10 100 Trinity Pkwy Suite 420 Stockton. CA 95219-7241	358-040-13	641 E. Harney Lane
03-04 05-01	Joey Tamura 788 W. Armstrong Rd Lodi, CA 95242-9544	058-040-14	2948 W. Harney Lane
03-04 05-01	Robert Van Ruiten P. O. Box 548 Woodbridge. CA 95258	058-040-15	373 E. Harney Lane
08-01	Frances Gutierrez 383 Taylor Rd Lodi. CA 95242-9233	027-060-01	383 E. Taylor Rd
08-01	Steve Culbertson 810 W. Elm Street Lodi. CA 95240-1808	027-060-03	419 E. Taylor Rd
08-01	Daniel & S McNeil 441 Taylor Rd Lodi, CA 95240	027-060-05	441 E. Taylor Rd
08-01	Debra Frey 9900 Pringle Avenue Galt, CA 95632	027-060-06 027-060-08	453 E. Taylor Rd
08-01	Domingo Sanchez 517 Taylor Rd Lodi, CA 95240	027-060-09	517 E Taylor Rd
08-01	D & B Sasaki Enterprises, Inc. 1806 W. Kettleman Lane Lodi, CA 95242	027-060-10	555 E. Taylor Rd
08-01	Kenneth Reiswig 5671 W. Kingdon Road Lodi, CA 95242-9532	027-060-12	589 E. Taylor Rd

08-01	Kenneth & Christin Roberson 23020 N. Sowles Rd Acampo, CA 95220-9608	027-060-13	619 E. Taylor Rd
08-01	Ben & Renee Vander Heiden 681 Taylor Rd Lodi, CA 95242	027-060-27	681 E. Taylor Rd
08-01	Randy Zapara 695 E. Taylor Rd Lodi, CA 95240	027-060-29	695 E. Taylor Rd
08-01	Dave & Kathleen William 1213 W. Lockeford Street Lodi, CA 95240	027-060-35	15401 N. Lower Sacramento Rd
08-01	Leland Frey 485 Taylor Rd Lodi, CA 95242	027-060-44 (Retired parcel #027-060-39)	485 E. Taylor Rd
08-01	Georgia Perlegos P. O. Box 1823 Lodi, CA 95241	029-380-05	2875 W. Lodi Avenue
08-01	Jeffrey Traverso 5237 Verdi Way Stockton, CA 95207-5321	027-400-01	3050 W. Lodi Avenue
08-01	DHKS Dev Co 621 Evergreen Drive Lodi, CA 95242-4683	027-400-02	2950 W. Lodi Avenue
08-01	WL Investor LP 10100 Trinity Parkway Suite 420 Stockton, CA 95219	027-400-03	2800 W. Lodi Avenue
08-01	Maxine Christesen Family 179 E. Taylor Rd Lodi, CA 95242	027-050-01 027-050-02	179 E. Taylor Rd 351 E. Taylor Rd
08-01	Richard Reimche 3900 Pelandale Avenue #420 Modesto, CA 95356-9104	027-050-03	345 E. Taylor Rd